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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8908
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA PRIORITY 2446
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEHKA/AMEMBASSY DHAKA 0947
RUEHNE/AMEMBASSY NEW DELHI 1805
RUEHKO/AMEMBASSY TOKYO 1924
RUEHWL/AMEMBASSY WELLINGTON 2612
RUEHHK/AMCONSUL HONG KONG 2651
RUEHBD/AMCONSUL PERTH 0766
RHHJJPI/USPACOM HONOLULU HI
RHMCSUU/FBI WASHINGTON DC
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 000883

SIPDIS

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, INL FOR BOULDIN/BUHLER
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC
NSC FOR EPHU

E.O. 12958: DECL: 05/05/2018

TAGS: [PGOV](#) [KJUS](#) [PTER](#) [ID](#)

SUBJECT: COUNTERTERRORISM -- MORE JI CONVICTIONS; BALI
BOMBERS TO APPEAL AGAIN

REF: A. JAKARTA 802

[1](#)B. JAKARTA 645

[1](#)C. JAKARTA 602 AND PREVIOUS

Classified By: Pol/C Joseph Legend Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: In the latest counterterrorism news, five members of the terrorist group Jemaah Islamiya (JI) have been convicted of terrorism and sentenced to prison. Also, the three Bali bombers on death row continue to attempt to postpone their execution date by pressing for another appeal of their convictions. Finally, according to contacts, recent judicial statements declaring JI "a banned organization" are basically obiter dicta and without legal impact. It seems unlikely that the GOI will formally move to ban group any time soon. END SUMMARY.

FIVE MORE JI CONVICTED

[1](#)2. (U) Five more JI members were convicted of terrorism in separate trials in late April. Taufik Masduki, Aris Widodo and Arif Syaifuddin were each sentenced to eight years in prison, while Nur Afifudin and Aziz Mustafa got seven years. All were convicted of aiding and abetting terrorists (per Article 13 of the anti-terror law) by providing logistical assistance to senior JI leaders Abu Dujana and Zarkasih in moving money and weapons between Java, Central Sulawesi and Mindanao, Philippines. (Note: A Jakarta court recently convicted and sentenced Dujana and Zarkasih for their crimes -- see ref A.) The five were arrested along with Dujana and Zarkasih in a series of raids in June 2007.
BALI BOMBERS STILL TICKING

[1](#)3. (SBU) Lawyers for three men on death row for their roles in the 2002 Bali bombing are planning additional legal maneuvers in order to delay their clients' executions. The

Indonesian daily Kompas reported that lawyers from the Muslim Defense Team (TPM) had drafted yet a third request for judicial review of the cases. In addition, press reports indicate that prison authorities have given Bali bomber Amrozi permission to hold a wedding ceremony in prison so that he can remarry his ex-wife. Reports speculate that JI spiritual leader and co-founder Abu Bakar Ba'asyir may officiate at the ceremony.

14. (C) Amrozi bin Nurhasyim, Imam Samudra and Ali Gufron alias "Muklas" were sentenced to death for carrying out the October 2002 attack that killed 202 people. Their sentences have been upheld three times on appeal. Moreover, the three men recently withdrew their unusual second request for judicial review when it became clear that the case was not going their way (ref C). Deputy Supreme Court Justice Djoko Sarwoko told us privately that Indonesian law did not allow multiple requests for judicial review, but declined to say whether the Court would make a public statement to that effect.

REMARKS RE "BAN" LACK LEGAL IMPACT

15. (C) Two recent statements by panels of judges declaring JI a "banned organization" will not impact law enforcement operations against the group, Mission contacts agree. The head of the GOI's Counterterrorism Coordinating Desk, Ansyad Mbai, told poloff that the statements advocating "banning" JI would not lead to enhanced police powers but would, he hoped, spur the GOI to re-examine the question of a formal ban (ref B). Supreme Court Justice Moegihardjo (one name only) agreed, calling the statement "a morale boost" for law enforcement but one that lacked a more tangible impact.

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Prosecutor Narendra Jatna said that the statement could be useful in prosecuting future cases of terrorist conspiracy but would not really serve to widen police powers.

16. (C) The statements were issued during the oral sentencing of JI leaders Abu Dujana and Zarkasih in April (ref A). According to Jatna--who worked on both cases--the language banning JI was related to the charge of membership in a terrorist organization (Article 17 of the anti-terror law). Jatna said that the judges had issued the statements at the request of prosecutors, who had argued for the ban--on Mbai's recommendation--in their closing arguments.

NO SIGN THAT GOI WILL MOVE TOWARD A BAN

17. (C) Over all, the statements re the ban seem to be basically obiter dicta and without legal impact as of this time. It seems unlikely that the GOI will formally move to ban the group any time soon. Despite Mbai's desire for a formal GOI ban on JI, for example, the judges' statement has yet to generate any noticeable support for further action.

18. (C) When commenting on the matter, GOI officials have indicated that a formal ban will not be forthcoming. Presidential spokesman Andi Mallarangeng told reporters that the decision confirmed that the GOI's current CT strategy was the correct one and did not require any additional action on the part of the GOI. On April 30, VP Jusuf Kalla--voicing a ludicrous argument heard repeatedly in Indonesia over the past several years--told journalists that JI could not be banned because it did not officially exist. Despite the lack of a ban, Indonesia continues to take firm steps against JI and its operatives, and polls show strong support for the government's anti-terror efforts.

HUME